A THE WARRING COLD AND THE COLD CONTROL OF THE SECURITY OF THE SECURITY OF THE SECURITY OF THE CONTROL OF THE SECURITY OF THE CONTROL OF THE SECURITY OF THE S

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COULTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to permit a new church pursuant to Sec. 1801.1.8.1.C6 and a determination that it meets the R.T.A. regulations to the extent

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property

	which is the subject of	this Pention,
Contract Purchaser:	Legal Owner(s):	MAP <u>NE-41</u> 4B
(Type or Print Name)	John A. Smith (Type or Print Name)	E. D. 15th
Signature	Signature	200 B.F.
Address	(Type or Print Name)	, , , , , ,
City and State	Signature of the	N-13,510
Attorney for Petitioner:		E-49,920
John B. Gontrum	1700 Magnolia Ave	,
(Type or Print Name)	Address Balto. MD	Phone No. 21220
/ Signature 809 Eastern Boulevard	City and State	
Address	Name, address and phone numbe tract purchaser or representativ	er of legal owner con- e to be contacted
Essex, Maryland 21221		
City and State	Name	
ttorney's Telephone No.:686-8274	Adduse	
	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of ____September____, 19_87, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ____9th ____ day of ____November ____, 19_87, at 2:00 o'clock

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner) of the property situate in Baltimore County and which is

described in the description and a sattached hereto and made a part hereof, hereby petition for a Variance from Section _1_B_02_2B(Y_B_2)_to_allow-a_33_feet-front-yard-setback in lieu of re uired 40 feet, 10 feet side yard setback in lieu of required 20 feet, and the summation of 52 feet side yard setbacks in lieu of required 55 feet for other principle buildings in DR5.5 zone.
-Section 409.2-C(2)-as-interpreted-by-zoning-policy-BM-11-for a-stone paving surface in lieu of the required durable and dustless surface. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regul lions and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we

John A. Smith (Type or Print Name) Signature Signature Rosemary L. Smith (Type or Print Name) City and State Attorney for Petitioner: John B. Gontrum (Type or Print Name) The state of the sta		are the legal owner(s) which is the subject of th	of the property is Petition.
(Type or Print Name) Signature Signature Rosemary L. Smith Address (Type or Print Name) City and State Attorney for Petitioner: John B. Gontrum (Type or Print Name) Address 1700 Magnolia Avenue 687-215 Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, or tract purchaser or representative to be contacted tract purchaser or representative to be contacted Name Attorney's Telephone N686-8274	Contract Purchaser:	Legal Owner(s):	
Signature Signature Rosemary L. Smith Address (Type or Print Name) City and State Attorney for Petitioner: John B. Gontrum (Type or Print Name) Address 1700 Magnolia Avenue 687-215 Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, or tract purchaser or representative to be contacted Essex, Maryland 21221 City and State Attorney's Telephone N686-8274		John A. Smith	
Rosemary L. Smith (Type or Print Name) City and State Attorney for Petitioner: John B. Gontrum (Type or Print Name) Address 1700 Magnolia Avenue 687-215 Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Essex, Maryland 21221 City and State Attorney's Telephone N686-8274	(Type or Print Name)		th
City and State Attorney for Petitioner: John B. Gontrum (Type or Print Name) Address 1700 Magnolia Avenue 687-215 Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Essex, Maryland 21221 City and State Attorney's Telephone N686-8274	Signature	\mathcal{O}	
Attorney for Petitioner: John B. Gontrum (Type or Print Name) Signature 1700 Magnolia Avenue 687-215 Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Essex, Maryland 21221 City and State Name Attorney's Telephone N686-8274	Address	(Type or Print Name)	1. 1
John B. Gontrum (Type or Print Name) Signature 1700 Magnolia Avenue 687-215 Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, or tract purchaser or representative to be contacted Essex, Maryland 21221 City and State Name Attorney's Telephone N686-8274	City and State	Signature Signature	JMUIN.
(Type or Print Name) Address Phone No. Baltimore, MD 21220 City and State Name, address and phone number of legal owner, contacted tract purchaser or representative to be contacted Essex, Maryland 21221 City and State Name Attorney's Telephone No.866-8274	Attorney for Petitioner:	V	
Signature City and State Name, address and phone number of legal owner, or tract purchaser or representative to be contacted Essex, Maryland 21221 City and State Name Attorney's Telephone Na686-8274	John B. Gontrum (Type or Print Name)	1700 - Magnolia - Avenue - Address	687-2151 Phone No.
Address tract purchaser or representative to be contacted Essex, Maryland 21221 City and State Name Attorney's Telephone No686-8274	John B. Continus Signature		.220
City and State Name Attorney's Telephone No. 886-8274	809 Eastern Boulevard Address		
Attorney's Telephone No686-8274	Essex, Maryland 21221		
	City and State	Name	
Address Phone No.	Attorney's Telephone Na686-8274		
	-	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _54.744 day of ______, 19_22_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 9th day of November, 1987, at 2, or o'clock

: BEFORE THE ZONING COMMISSIONER RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCES OF BALTIMORE COUNTY N/S Magnolf Ave., approx. 155': E of Wampler Rd. (1700 Magnolia

: Case No. 88-173-SPHA JOHN A. SMITH, et ux, Petitioners

Ave.), 15th District

::::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or fi rder.

People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 14th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 809 Eastern Blvd., Essex, MD 21221, Attorney for Petitioners.

Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 3, 1987

John B. Gontrum, Esquire 809 Eastern Boulevard

Dear Mr. Gontrum:

Essex, Maryland 21221

RE: Item No. 528 - Case No. 88-173-SPHA Petitioner: John A. Smith, et ux Petitions for Zoning Variance and Special Hearing

Department of Traffic Engineering Bureau oi Fire Prevention Health Department Project Planning Building Department

Board of Education

Industrial

Development

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave.

Bureau of

Engineering

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Chairman Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: William N. Bafitis, P.E. 1249 Engleberth Road Baltimore, Maryland 21221

Description of Property Owned by John and Rose Smith and known as No. 1700 Magnolia Avenue, Baltimore, Maryland 21220 located in the 15th Election District of Baltimore County, Maryland.

Beginning at a point on the north side of Magnolia Avenue, 50 feet wide, said point being 155 feet, more or less, in a easterly direction from the northeast corner of Wampler Road and Magnolia Avenue. Being lots Nos. 16,17,18,19, and 20, Section 6, in the subdivision of "Middle River" in Plat Book L.M.B. No. 1, Folio 120.



William N. Bafitis, P.E. #11641

Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

BALTIMORE COUNTY, MARYLAND

Mr. J. Robert Haines

INTER-OFFICE CORRESPONDENCE

October 29, 1987 TO Zoning Commissioner Norman E. Gerber, AICP

SUBJECT Zoning Petition No. 88-173-SPHA

FROM Director of Planning and Zoning

A County Review Group meeting is required. The plan must be revised to comply with the standards set forth in the Baltimore County Landscape

The Division of Current Planning and development noted the desirability of access via Greenbriar Street, not the alley; that if the alley is utilized, it should be widened to 20 feet; and that the parking area should be paved.

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

PETITIONS FOR SPECIAL HEARING AND VARIANCES 15th Flection District - 6th Councilmanic District Case No. 88-173-SPHA

LOCATION:

North Side of Magnolia Avenue, approximately 155 feet East of Wampler Road (1700 Magnolia Avenue)

DATE AND TIME: Monday, November 9, 1987, at 2:00 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to permit a new church and a determination that it meets the RTA regulations to the extent possible

Petition for Zoning Variances to permit a 33 foot front yard setback in lieu of the required 40 feet, a side yard setback of 10 feet in lieu of the required 20 feet, the sum of the side yard setbacks of 52 feet in lieu of the required 55 feet for other principal buildings, and a stone paving surface in lieu of the required durable and dustless surface

Being the property of <u>John A. Smith, et ux</u> plan filed with the Zoning Office. ____, as shown on plat

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494 - 3554

July 10, 1987



Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Item No. 528

Property Owner: Location: Existing Zoning:

Proposed Zoning:

John Smith, et ux NW/C Magnolia Avenue and Greenbriar Street D.R. 5.5 Special Hearing to approve a new church and a Variance to allow a 33 foot front yard setback in lieu of the required 40 feet, 10 feet side yard setback in lieu of 20 feet and the summation of 52 feet side yard setbacks in lieu of required 55 feet for other principle buildings in D.R. 5.5 zone, and a stone paving surface in lieu of the required durable and dustless surface 0.832 acres

Meeting of June 23, 1987

Area: District:

Dear Mr. Jablon:

The access shown on the site plan is not adequate for the proposed use.

Michael S. Flanigan
Traffic Engineer Associate II

15th Election District

MSF:1t

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE PETITION FOR VARIANCES N/S Magnolia Avenue approx. ZONING COMMISSIONER 155 ft. E. of Wampler Rd. OF BALTIMORE COUNTY (1700 Magnolia Avenue) 15th Election District 6th Councilmanic District Case No. 88-173-SPHA John A. Smith, et ux

Petitioners

* * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval, pursuant to a Special Hearing, for a permit for a church, pursuant to Section 1801.1.B.1.C6, and a determination that this particular church meets the Residential Transition Area (R.T.A.) regulations to the extent possible and, therefore, is exempt from further R.T.A. considerations. Accompanying the Petition for Special Hearing is a Petition for Zoning Variance from Section 1.B.02.2B (V.B.2) to allow a 33 feet front yard setbuck in lieu of required 40 feet, a 10 foot side yard set-back in lieu of required 20 feet, and the summation of 52 foot side yard set-backs in lieu of required 55 feet for other principle buildings in D.R. 5.5 zcne. Section 409.2.C(2) as interpreted by zoning policy BM-11 for a

The Petitioner, represented by John B. Gontrum, Esquire, was present and did testify. Petitioner was supported by numerous persons and witnesses. The Petitioner's Engineer, Mr. Bafitis, also testified.

stone paving surface in lieu of the required durable and dustless surface.

The following Protestants were present and did testify: Mr.and Mrs. Frey, Mr. and Mrs. Remec and Mr. and Mrs. King.

There was a great deal of confusion on behalf of the Protestants concerning the nature and scope of the hearing. I attempted to explain that Baltimore County would not provide an attorney for the Protestants. I tried to explain the exact purpose of the hearing. I also attempted to explain that

The Petitioner has met his burden on the issue of the Petition for Special Hearing and the relief requested therein should be granted subject to

certain restrictions set forth below. The Petitioner has requested certain setback and area variances, pursuant

to Section 307 (B.C.Z.R.) The evidence establishes that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public

ealth, safety and general welfare. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 1000 day of December, 1987, that the Petition for Zoning Variance to permit a 33 foot front yard setback in lieu of the required 40 feet, a 10 foot side yard setback in lieu of the required 20 feet, and a summation of 52 feet in the side yard setback in lieu of the required 55 feet for the other principal buildings on the site be and is hereby GRANTED and, furthermore, that the relief requested in the Petition for Special Hearing to approve a new church as meeting to the extent possible the requirements of the Residential Transition Areas, pursuant to Section 1801.1.8.1C6 be and is hereby GRANTED,

Section 1801.1.B.1.C6 specifically requires a hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) when a new church or religious worship building is planned within the residential zone. There is a requirement for a finding on the issue of whether or not the

proposed site plan complies with the residential transition area requirements to the "extent possible." If the Zoning Commissioner finds that the plan does comply to the extent possible with the residential transition area requirement, then the plan is acceptable.

The confusion also seemed to center on whether or not the Zoning Commissioner was going to rule on whether or not the existence of a church on the subject property is permitted. Clearly, churches and other religious worship buildings are permitted as a matter of right within the D.R. zones in Baltimore County. The subject property is zoned D.R. 5.5 and located at the present end of the improved section of Magnolia Avenue off of Wampler Road in the Middle River section of Baltimore County. The testimony substantiates that this building on the subject property is being used as a religious worship location(i.e. church). Therefore, it is my opinion that a church or religious building is permitted as a matter of right.

The testimony established that the proposed addition and the presently existing second building on the subject property are currently used and are planned to be used in the future as a church building. The subject property is currently zoned D.R.5.5. The parking requirements for the proposed project are 24 spaces and there are currently 25 spaces provided by the Petitioner on existing lots.

Testimony provided by Mr. Bafitis, P.E., a registered engineer, in support of the Petitioner, indicates that the plats presented as Petitioner's Exhibit 1 and 3 were produced by him in accordance with the requirements of

Baltimore County Zoning Regulations. Specifically the plats indicate all of the required variances. Further, Mr. Bafitis testified that the landscape plan as set forth on Petitioner's Exhibit 3 is the most comprehensive landscape plan that can be developed for the site in question. That the site meets the requirements of the residential transition area (R.T.A) regulations, as completely as possible. Furthermore, he testified, that in his professional opinion, there is no way to completely meet R.T.A. requirements. The requirements of 1801.1.8.1.C.6, requiring a church to submit a plan indicating that the requirements of R.T.A. have been met to the extent possible, have been fully complied with, according to Mr. Bafitis.

Further, Mr. Bafitis testified concerning the fire hydrant requested by the Baltimore County Fire Department. He indicated that the fire hydrant would be located on the site as required by the Baltimore County Fire Department. Mr. Bafitis testified that the Petitioner intends to install the fire hydrant at the location shown with the blue "X" on Petitioner's Exhibit 2 at

The Protestants testified that they were opposed to this project because of the change in character of the neighborhood caused by the activities taking place at the church on the subject property. The Protestants also testified, at great length, to the problems caused by the Petitioner, such as the storage \mathbb{C} of commercial equipment and commercial personal property on the subject property. There was extensive testimony to indicate that Magnolia Avenue is incapable of carrying the present flow of traffic caused by the church. That the increased traffic from the proposed expansion of the church more than exhausted the capabilities of Magnolia Avenue. There was testimony that the 'residents of the general community are opposed to the operatio, of a church on the subject property. They believe the church is too close in proximity to neighboring residential properties thereby causing a destruction in the peace and harmony of the neighborhood. This is a substantial detriment to the general welfare of the community.

During the hearing, the following information was also determined to be accurate; namely, that the Petitioner has had several zoning violations processed against the subject property for such things as contractor's storage yards, illegal business operations in a residential zone and the illegal establishment and operation of a religious worship building without proper permits and authorizations. The Petition filed herein and the hearing conducted are all an attempt to legitimize the illegal structures and the permitted use without appropriate authorization.

The first issue to be reached is the subject of the R.T.A. regulations as they apply to the existing church. The testimony indicates that the proposed landscaping plan, Petitioner's Exhibit 3, is as close to compliance with the R.T.A. regulations as can be developed by the Petitioner for this

The Petitioner testified, and supported by the testimony of his Engineer, that the proposed addition and the presently existing church facility are constructed as close to an existing stream bed as is permitted and, therefore, it is not possible to construct the units at any other location on the subject i property without the requested area and setback variances.

The testimony tends to show that the Petitioner has complied with the requirement of R.T.A. to the extent possible. The development of the subject property and the nature of the building are as compatible with the character of the surrounding residential properties as can be produced on this lct.

from and after the date of this Order, all subject to conditions precedent upon the following:

> 1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. That the operation is limited in time; specifically, there will be no public activity between the hours of 12:00 midnight and 6:00 A.M., except on religious holidays and 3. The proposed project and the present conditions are to

completely conform to the representations listed, defined and offered upon Petitioner's Exhibits 1,2 and 3, subject to the following additions: a. The entire Magnolia Avenue property line, except for the driveway, shall be fenced to six feet in height with a wood privacy fence and maintained in good repair by the Petitioner, also, there shall be an additional landscaping buffer placed along this boundary line as determined to be appropriate by the Office of Current Planning.

b. A County Review Group meeting is required. The plan must be revised to comply with the standards set forth in the Baltimore County Landscape Manual.

c. The presently shown parking area on Petitioner's Exhibit 1 is to be re-designed to include parking on Lot #16 and to allow for additional landscaping buffer along the west boundary between the alley and the Petitioner's property and, also, to provide additional landscaping buffer along the north property line to appropriately screen the re-designed parking area and the proposed garage, all of which shall be approved by the Office of Current Planning. A revised landscaping plan shall be submitted to the Zoning Commissioner as approved by the Office of Current Planning.

d. The Petitioner shall submit to the Zoning Commissioner for approval a new site plan listing and addressing all of the restrictions required by this Order within 45 days of this Order.

That the Petitioner must maintain the parking and traffic areas in good repair; that all traffic and parking areas must be treated, pursuant to Section 10.18.03.D (1)(a) and (b) of the <u>Invironment Article</u> to prevent particulate matter from becoming airborne; and the Petitioner shall, at least, three times a year replenish the treatment prescribed above to prevent airborne matter and, at least, once a year repair and replenish the stone crusher-run surface.

5. The Petitioner shall comply with all of the comments set forth in the June 19, 1987 letter from the Baltimore County Fire Department which is part of the Baltimore County Zoning Plans Advisory Committee Report.

6. The fire hydrant required by the Baltimore County Fire Department shall be installed as set forth on Petitioner's Exhibit #2..

7. The granting of the Petitions is based in part upon the Petitioner complying with the appropriate parking regulations and the fact that the available jurking complies with the regulations for the use (i.e., church) that the testimony established was the principal use of this facility on the subject property and, therefore, if the use of the subject property changes then, the Petitioner must comply with the then appropriate parking

> ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Peoples Counsel

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE PETITION FOR VARIANCES ZONING COMMISSIONER N/S Magnolis Avenue approx. 155 ft. E. of Wampler Rd. OF BALTIMORE COUNTY (1700 Magnolia Avenue) 15th Election District Case No. 88-173-SPHA 6th Councilmanic District John A. Smith, et ux Petitioners * * * * * * * * *

WHEREAS, a request for clarification of the Order of December 10, 1987 has been made by John B. Contrum, Esquire, attorney for the Petitioner; It is Ordered this // day of January, 1968 that condition prevalent 3.a. of the Order of December 10, 1987, shall be amended to read in part this:

> 3.a. The entire Magnolia Avenue property line, except for the driveway, shall have an additional landscape buffer created as determined to be appropriate by the Office of Current Planning and the Petitioner shall establish and maintain a 6 foot wooden privacy fence on the west side of the alley from the point of entranco on Magnolia Avenue to a point equal to the Petitioner's northern most property

cc:Peoples Counsel

Baltimore County Department of Environmental Protection & Resource Management Courthouse Mezzanine Towson, Maryland 21204 494-3733



Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204

follows:

Baltimore County

Fire Department

494-4500

Paul H. Reincke

Mr. Arnold Jablon

Zoning Commissioner

Office of Planning and Zoning Baltimore County Office Building

JRH:med

Towson, Maryland 21204-2586

Dear Mr. Jablon: Comments on Zoning Advisory Committee Meeting Item #528 are as

Property Owner: John A. Smith, et ux NW/C Magnolia Avenue and Greenbriar Street Existing Zoning: D.R. 5.5 Proposed Zoning: Special Hearing to approve a new church and a Vari-

ance to allow a 33 foot front yard setback in lieu of the required 40 feet, 10 feet side yard setback in lieu of 20 feet and the summation of 52 feet side yard setbacks in lieu of required 55 feet for other principle buildings in D.R. 5.5 zone, and a stone paving surface in lieu of the required durable and dustless surface

0.832 acres 15th Election District District:

This office reco. ends (yes) approval of a stone paving surface in lieu of the required durable and dustless surface. All ingress-egress roads are to have the appropriate amount of stone (crusher-run) applied and maintained in addition to storage and parking areas.

All traffic and parking areas must be treated as stated in Environment Article 10.18.03.D(1)(a) & (b) in order to prevent particulate matter from becoming airborne.

Not less than once/year crusher run is to be added to or replenished to insure existing stone surfaces are treated in accordance with control of airborne particulate regulations and policy.

> Pobert C. Merry Robert C. Merrey, Jr., Director Division of Support Services Bureau of Air Quality Management

> > December 10,1987

Very truly yours,

J. ROBERT HAINES

ZONING CONTISSIONER

RCM/als

Mr. John A. Smith

1703 Magnolia Avenue

to contact this office.

JRH:mm

enclosure

Baltimore County, 111. 21220

Pe: Petition for Special Mearing and Variances

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Special Hearing and Variances have been

If you have any questions concerning this matter, please do not hesitate

Case Nos. 88-173-SPNA

Towson, MD 21204 Re: Property Owner: John A. Smith, et ux Dennis F. Rasmussen Location: NW/C Magnolia Avenue and Greenbriar Street Item No.: 528 Zoning Agenda: Meeting of 6/23/87 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department EXCEEDS the maximum allowed by the Fire Department. Fire Prevention Code prior to occupancy or beginning of operation. comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. Noted and Approved:

Extra Prevention Bureau October 5, 1987 John B. Gontrum, Esquire 809 Eastern Boulevard Essex, Maryland 21221

June 11 1987

() 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at (x) 4. The site shall be made to comply with all applicable parts of the Driveway shall be of hard surface and support 50,000 lb. fire apparatus. (x) 5. The buildings and structures existing or proposed on the site shall () 6. Site plans are approved, as drawn. () 7. The Fire Prevention Bureau has no comments at this time. /j1 NOTICE OF HEARING RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES N/S Magnolia Ave., approx. 155' E of Wampler Rd. (1700 Magnolia Ave.) 15th Election District - 6th Councilmanic District John A. Smith, et ux - Petitioners Case No. 88-173-SPHA 2:00 p.m. TIME: Monday, November 9, 1987 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

of Baltimore County ccs: Mr. John A. Smith Mrs. Rosemary L. Smith 1700 Magnolia Avenue Baltimore, Maryland 21220 Ms. Grace Frey 207 Wampler Road Baltimore, Maryland 21220 [10/14/87 - Copy mailed to Mr. and Mrs. Charles Nemec, 111 Wampler Road, Baltimore, Maryland 21220 by med].

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT V+504 #528 B 8835******20200:a %11%! 88-173-SPHA 15th Election District Location: N/S Magnolia Ave., approx. 155' E of Wampler Rd. (1700 Magnolia Ave.) Hearing: Monday, November 9, 1987, at 2:00 p.m. Petition for Special Hearing to permit a new church and a determination that it meets the RTA regulations to the extent possible Petition for Zoning Variances to permit a 33' front yard setback in lieu of the required 40', a side yard SEE CARD #2 15th Election District and dustless surface Petitioners: John A. Smith, et ux

BA: IMORE COUNTY, MARY IND

INTER-OFFICE CORRESPONDENCE

DEFENDANT John Smith ADDRESS Jame_

active violation case. When the petition is scheduled for a public hearing,

After the public hearing is held, please send a copy of the Zoning

Commissioner's Order to the Zoning Enforcement Coordinator, so that the

appropriate action may be taken relative to the violation case.

Please be advised that the aforementioned petition is the subject of an

Date 6-17-87

207 Warnpler Rd. 21220

James Dyer

Zoning Supervisor

VIOLATION CASE # 87-219CV

please notify the following persons:

Grace Frey

FROM Zoning Enforcement Coordinator

Item No.: 528

James Thompson

setback of 10' in lieu of the required 20', the sum of the side yard setbacks of 52' in lieu of the required 55' for other principal buildings, and a stone paving surface in lieu of the required durable No. of Signs: 3 WALT STEALEY POST: 10/25/87

BAL MORE COUNTY, MARYL ND

	INTER-OFFICE CORRESPONDENCE			
то	James Dyer Zoning Supervisor		Date 10-13-87	
FROM_	James Thompson Zoning Enforcement Coo	rdinator	Date	
SUBJEC	Item No.: 528 r Petitioner:	(if known)	known)	
VIOLATI	on case # 87-2190	Cν		

DEFENDANT Voka Smith Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

LOCATION OF VIOLATION 1700 Magnolia Pd. 2/220

Charles & Joann Hemec 111 Wampler Rd.

687-8522

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204 494-3353 J. ROBERT HAINES

ZONING COMMISSIONER November 3, 1987

> John B. Gontrum, Esquire 809 Eastern Boulevard Essex, Maryland 21221

> > RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES N/S Magnolia Ave., approx. 155' E of Wampler Rd. (1700 Magnolia Ave.) 15th Election District - 6th Councilmanic District John A. Smith, et ux - Petitioners Case No. 88-173-SPHA

Dear Mr. Gentrum:

This is to advise you	that _	\$97.45	1.0	due for	adverti	e i i
and posting of the above Order is issued.	property.	This	fee must	be paid	before	יונ.
THIS FEE MUST BE PAI THE DAY OF THE HEARING OR	ID AND THE	ZONINO	SIGN AND	POST R	ETURNED	ОМ

Do <u>not</u> remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland

21204,	perore	tne	nearing.	
				BALTIMORE COUNTY, MARYLAND
				OFFICE OF FINANCE - REVENUE DIVISION
Sincer	ely.			MISCELLANEOUS CASH RECEIPT
0 0	0 1	11	•	

J. ROBERT HAINES
Zoning Commissioner JRH:med

17	<u> </u>	ACCOUNT 11/15
		AMOUNT \$ 77.75
IVED	11 4 1	

No. 45802

B December 1

rodatrik staastiliseskel seller samme sammet in redat sterring om in territorise sterring group in the sammet seller sammet in the sammet seller sammet sell

Romadka, Gontrum, Hennegan & Foo. IRVINGTON FEDERAL BUILDING 809 EASTERN BOULEVARD ESSEX, MARYLAND 21221 TELEPHONE (301) 686-8274

ROBERT J. ROMADKA JOHN B. GONTRUM JOHN O. HENNEGAN CHARLES & FOOS, III DONALD E. BRAND DONALD H. SHEFFY

January 6, 1988

J. Rcbert Haines Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

> Re: Case No. 88-173-SPHA Petition of John A. Smith and wife

Dear Mr. Haines:

We are in receipt of your Order of December 10th granting zoning variances and release sought by the Petitioners for the location of a church on their property on Magnolia Avenue. Condition No. 3A of your Order requires that the entire Magnolia Avenue property line except for the driveway be fenced to six feet in height with a wood privacy fence. This fence is to be placed in addition " additional landscaping as may be required by the Office of Current Planning. My recollection is that no requirement was sought at the time of the hearing for a fence along that particular property line. My recollection indicates that there was concern over the maintenance of a current fence located along the alley way on the west side of the property and that this fence may be extended along the property line to refer to any additional parking as indicated on the site plan.

A review of the site plan indicates that the Magnolia Avenue property line faces a vacant lot. The church is located to the rear of the main house and the main house itself faces Magnolia Avenue. I do not recall any complaints from the neighbors as to the location of the main house or its construction. The main house looks out on a wooded area and the only building within sight range is a garage located cattycorner to the subject site. My recollection is that there is no view of the church building itself from the garage or from properties located further to the west along Magnolia Avenue. We would respectfully request that your Order be revised to indicate maintenance of the wood fence along the alley way with the possible extension of the fence along the alley on either the east or west side of the alley to

screen the additional parking contained on our site plan and in your Order. I do not believe that it would serve any purpose for additional fencing in front of the main house located only 33 feet from the house itself. This could be a real eyesore to the occupants of the house, and I view it as little benefit to any of the neighbors, none of whom are facing the house or that direction.

It would be greatly appreciated if you could review your Order and the testimony with respect to that matter. We would, of course, be willing to place additional landscaping as may be found desirable by the Office of Current Planning wherever they wish to have it on the site. Thank you for your consideration.

JBG:ko

cc: Mr. John Smith

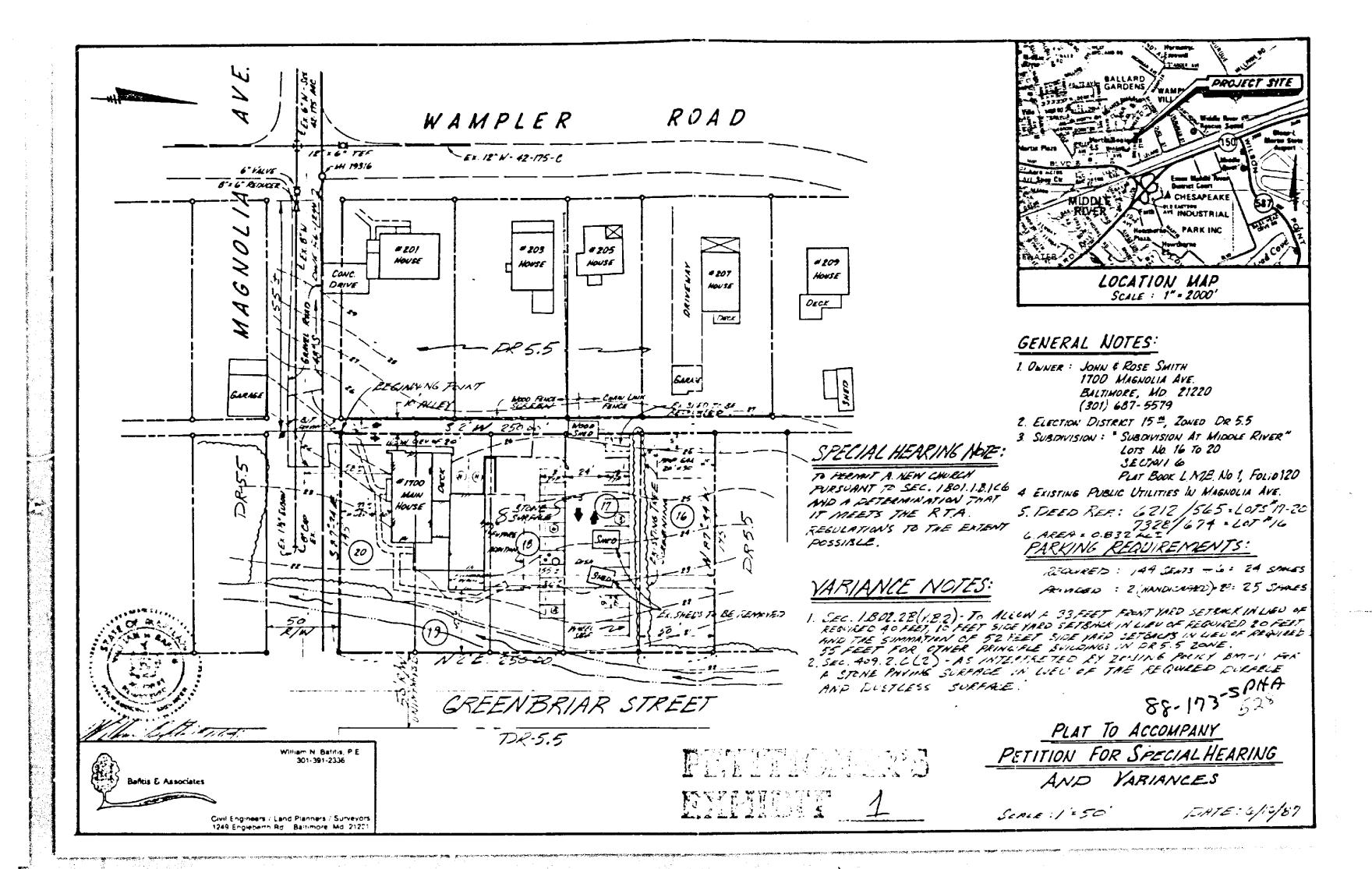
88-173-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ day of ______, 19 87

Received by: James E. Dyer Chairman, Zoning Plans Petitioner John A. Smith. et ux
Petitioner's Advisory Committee John B. Gonteum, Esquire



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines October 29, 1987 TO Zoning Commissioner Norman E. Gerber, AICP

SUBJECT Zoning Petition No. 88-173-SPHA

FROM Director of Planning and Zoning

A County Review Group meeting is required. The plan must be revised to comply with the standards set forth in the Baltimore County Landscape

The Division of Current Planning and development noted the desirability of access via Greenbriar Street, not the alley; that if the alley is utilized, it should be widened to 20 feet; and that the parking area should be paved.

Norman E. Gerber, Aldi Director

NEG: JCH: dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

ZONING OFFICE

MIDDEE RIVER CIVIC ASSOCIATION

BALTIMORE COUNTY, MD. 21220

REFERENCE: ZONING CASE # 88-173-SPHA

"TO PERMIT A NEW CHURCH AND A DETERMINATION THAT IT MEETS THE RESIDENTIAL TRANSITION AREA REGULATIONS TO THE EXTENT (Location: 1700 Magnolia Ave., Middle River, MD 21220)

TO WHOM IT MAY CONCERN:

We the undersigned would like to relay our opposition to the operation of a new church in a very confined area and in extremely close proximity of our established neighborhood:

Brown R. Howell 210 Wampler Rd.

Webstah L. Smith 208 Wampler Rd.

Margarit Bentsolder 214 Wampler Rd 21220

Deborah Doll 216 Wampler Rd 21720

Petitions For Special Hearing and Variances 18th Election District 6th Councilmanic District Case No. 88-173 SPHA LOCATION: North side of Magnolia Ave., approximately 156 feet east of Wampler Road (1700 Magnolia Ave-DATE AND TIME: Monday, November 9, 1987, at 2:00 P.M.
PUBLIC HEARING: Room 106,
County Office Building, 111, W. Chesapeake Avenue, Towson, Maryland The Zoning Commissioner of Baltimore County, by authority of the Zon-ing Act and Regulations of Baltimore ounty, will hold a public hearing: Petition for Special Hearing to permit a new church and a determination that it meets the RTA regulations to the extent possible.

Petition for Zoning Variances to permit a 33 foot front yard setback in lieu of the required 40 feet, a side yard setleet, the sum of the side yard setbacks of 52 feet in lieu of the required 55 feet for other principal buildings, and a stone paving surface in lieu of the re-quired durable and dustle per face. Being the property of John A. Smith, et ux, as shown on that plan filed with the Zoning Oft.

In the event that this Petition. granted, a building permit may be insued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received

Ule Times

Middle River, Md., Get 2319 87 This is to Certify, That the annexed 184 - MO812 was inserted in the Times, a newspaper printed and published in Baltimore County, once in each weeks before the _____ day of

Magnolia Avenue)
DATE AND TIME: Monday,
November 9, 1987 at 2:00 p.m.
PUBLIC HEARING: Room 106. County Office Building, 111 W. Chesapeake Avenue, Towson, The Zoning Commissioner of Bal-timore County, by authority of the Zoning Act and Regulations of Balti-more County, will hold a public mit a new church and a determina-tion that it meets the RTA regulations to the extent possible
Pention for Zonine Variances to permut a 33 foot front yard setback in ieu of the required 40 feet, a side yard setback of 10 feet in lieu of the required 20 feet, the sum of the side vard setbacks of 52 feet in heu of the required 55 feet for other principal buildings, and a stone paving sur-tace in lieu of the required durable and dust'ess surf ce.

Reing the property of John A Smith, et ux, as shown on plat plan filed with the Zoning Office. granted, a building permit may b peal period. The Zoning Commis request for a stay of the issuance of and permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above of made at the hearing. By Order Of J. ROBERT HAINES

Zaming Commissione

10/314 Oct. 22.

PETITIONS FOR

LOCATION: North Side of Mag-

nolia Avenue, approximately 155 feet East of Wampler Road (1700

CERTIFICATE OF PUBLICATION

Oct 22 1987 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct aa 1987

THE JEFFERSONIAN,

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 88-173-5PIFIT Towson, Maryland

District 1524	Date of Posting 10/18/87
Posted for: Spess Harring & be	; DJ-e3(4
Petitioner: John A Smit	f god to say
	lie then, opene 155' Ff Wometon RA
1760	•
	- of Megachie & Wompler, Pdx
Remarks: H Location	Signi
Posted by Signature	Date of return: 10/23/87
Number of Signs:	

District 25 Th

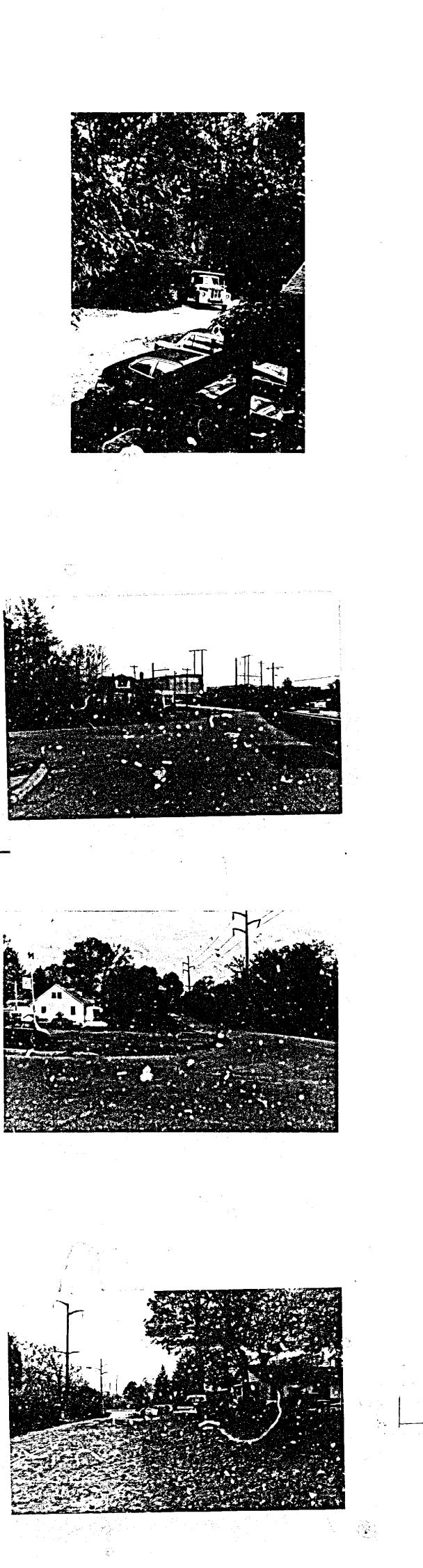
Date of Posting 19/10/87

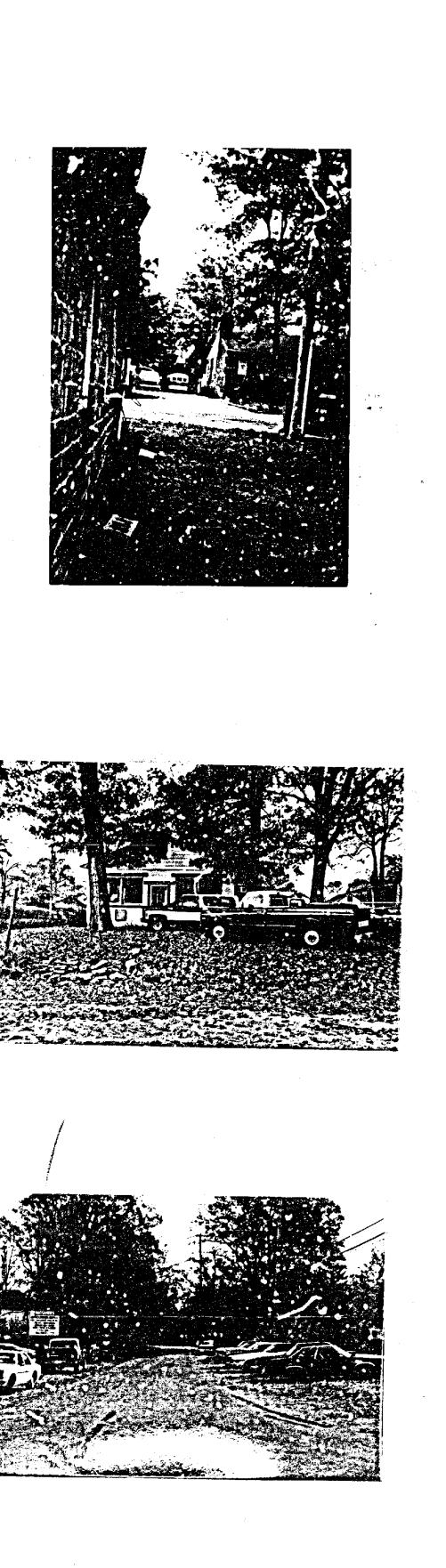
Posted for: Special Hearing 4 Vorconics Petitioner: John A. Smith, otur Location of property: N/S Magnolia Mrs. appress 1937 E/Womplanes Location of Signs: Formy May wellie Arm, 632 will b' Fr. Youd way, on

CERTIFICATE OF POSTING

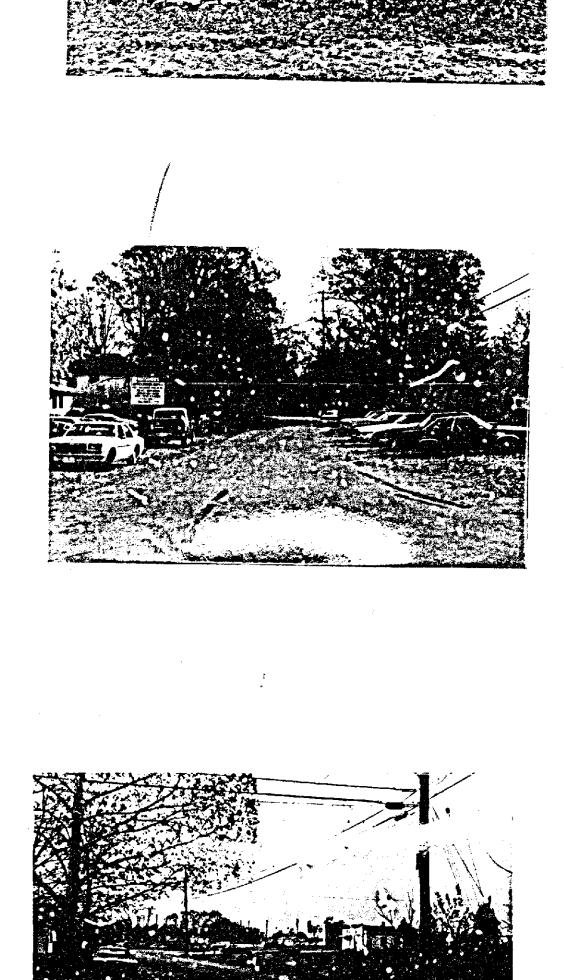
ZONING DEPARTMENT OF BALTIMORE COUNTY 88-177

J. Robert Halnes





MENTERS OF THE PROPERTY OF THE

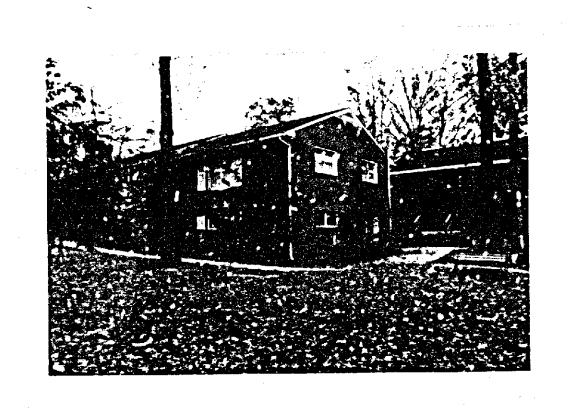


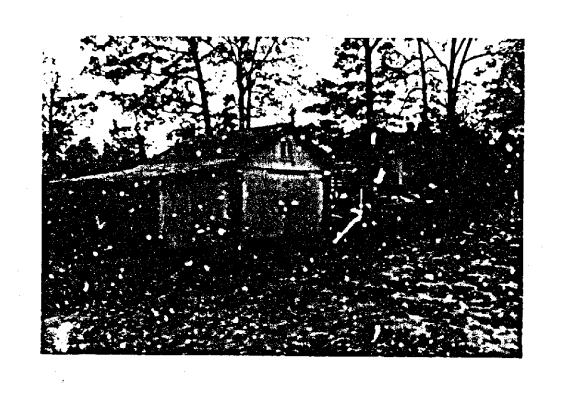














ANG 1 2 1588

